

21 February 1973

MEMORANDUM FOR: Mr. David O. Cooke
Deputy Assistant Secretary of Defense
(Administration)

Doc:

I am returning the attachments in your memorandum of 12 February 1973. I have made several adjustments to your proposed letter to Mr. Hampton and to Joe Liebling's suggested additional paragraph for your letter.

1. I would add the following to your second paragraph:

"Further, from time to time, there are employees from other components of DoD who are assigned or detailed to CIA and, in line with its policies, the Agency wishes to continue polygraphing of individuals assigned or detailed to the Agency from other parts of the government in line with the procedures applicable to all CIA employees."

You will recall I mentioned that, in fact, there are other assignments and details other than from DIA and these should be appropriately covered.

2. In lieu of the last two sentences suggested by Joe Liebling, I would recommend the following:

"The CIA has suggested that any queries concerning its procedures regarding the use of the polygraph be made directly to that Agency."

OGC Has Reviewed

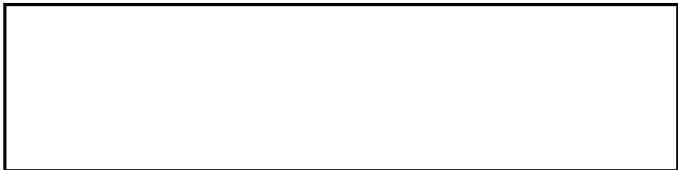
DIA and OSD review(s) completed.

On file OPM release instructions apply.

A careful reading of Appendix D of FPM 736 would indicate that it did not contemplate the situation at hand, namely assignment or detail of an individual from one agency of government who is in the competitive service to CIA which is statutorily exempted from the competitive service. Appendix D refers to use of the polygraph for "...employment screening and personnel investigations of applicants for and appointees to competitive service positions...." In the actual situation, of course, the individual would neither be denied employment nor removed from his position as a result of use of the polygraph if any problems were to develop and he would simply remain in the position he had been occupying and would not be assigned or detailed to the Agency. Consequently, while we are happy to discuss this situation with the Civil Service Commission and, of course, would brief them thoroughly on our procedures regarding the use of the polygraph, we do not wish to be placed in the position of submitting our regulations to them. I can assure you that our regulations in fact contain all of the safeguards and precautions required by Appendix D.


STATINTL

Please let me know if we can be of any further assistance.


Deputy General Counsel

Atts.

cc: Director of Security
Director of Personnel
✓OGC Subj - SECURITY
OGC Chrono

OGC: 

1A



COMPTROLLER

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

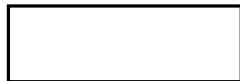
February 12, 1973

(Administration)

ATINTL

MEMORANDUM FOR [REDACTED] DEPUTY GENERAL COUNSEL,
CENTRAL INTELLIGENCE AGENCY

ATINTL



Attached is the proposed request for my signature to Bob Hampton on polygraphs.

Also, attached are the views of the DASD (Security Policy) that the proposed letter is deficient because it does not furnish any information on the manner in which polygraph examinations will be conducted.

I am sending the package over to you because in an unguarded moment at Maury Lanman's farewell party you offered to take a hand in the matter.

I would appreciate your suggestions and, of course, a return of the attachments.

A handwritten signature in cursive script, appearing to read "Doc".

D. O. Cooke
Deputy Assistant Secretary of Defense

Attachments



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

COMPTROLLER
(Administration)

Honorable Robert E. Hampton
Chairman
U.S. Civil Service Commission
Washington, D. C. 20415

Dear Mr. Hampton:

Reference Appendix D, Subchapter 736, Federal Personnel Manual.

As you know, the Defense Intelligence Agency (DIA) is engaged in a highly sensitive intelligence mission directly affecting the national security. The DIA civilian workforce, with very few exceptions, are excepted service personnel and the cited Federal Personnel Manual reference does not apply to them. There are, however, approximately ten DIA employees who are competitive career and who work in a joint CIA-DIA intelligence production activity and who do come under the requirements of the cited reference.

Additionally, the DIA and the National Security Agency (NSA), an exempted organization, are DOD agents in a Department-wide Intelligence Training and Career Development Program. This program will require competitive career civilian employees of the military services and the Defense agencies to be assigned for varying periods of time to these two agencies for training. The training will require the trainees to participate in highly sensitive intelligence production functions in both agencies with excepted service employees. Further, national security needs frequently require ad hoc study groups and task forces composed of competitive career employees of the military services and Defense agencies and excepted service employees to work together in highly sensitive intelligence projects.

Accordingly, it is requested that the Secretary of Defense be granted the authority to use polygraph examinations for the categories of competitive

service employees mentioned above. It should be understood that this authority will be exercised by the Secretary of Defense or his designees on an individual basis after thorough and careful considerations indicate the need for these examinations.

D. O. Cooke
Deputy Assistant Secretary of Defense



COMPTROLLER

Approved For Release 2002/10/21 : CIA-RDP75-00793R000200160006-5
OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

26 JAN 1973

MEMORANDUM FOR MR. D. O. COOKE

SUBJECT: Letter to Chairman, Civil Service Commission
On Use of Polygraph

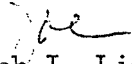
The proposed letter is not in conformity with Appendix D, Sub-Chapter 736, Federal Personnel Manual. One purpose of this portion of the Manual is to insure that the use of the polygraph as a screening device or as part of a personnel security investigation is restricted to positions related to a highly sensitive intelligence or counterintelligence mission directly affecting the national security. Another and equally important purpose is to insure that the agency conducting the examination has published regulations designed to safeguard the rights of the employees.

While the letter does contain a sufficient statement of mission to justify the need for the requested authority, it does not furnish any information on the manner in which polygraph examinations are conducted or identify the agency which will conduct them. Without such information, which is required by paragraph D-3, the Commission cannot be expected to make a determination as to whether the procedures to be followed afford adequate safeguards to the employees.

Accordingly, we recommend that the proposed letter identify the agencies which will conduct the polygraph examinations and either provide copies of the appropriate regulations or state how they may be obtained. If the examinations are conducted by CIA and NSA, the DoD and NSA regulations should be attached, and the Commission should be told that information concerning the CIA regulation must be obtained from that agency.

We suggest that a paragraph, in language substantially as follows, be added to the proposed letter in order to furnish the Commission the necessary information:

"These polygraph examinations will be conducted by the NSA and CIA. A copy of the NSA regulation governing the use of the polygraph and the DoD regulation to which it refers are attached. The CIA regulations are not available for submission. The CIA has suggested that any inquiries concerning such regulations be made directly to that Agency."


Joseph J. Liebling
Deputy Assistant Secretary of Defense
(Security Policy)

BEST COPY
Available

Appendix D: Use of the Polygraph in Personnel Investigations of Competitive Service Applicants and Appointees to Competitive Service Positions

D-1. AGENCIES WHICH MAY USE THE POLYGRAPH

An executive agency which has a highly sensitive intelligence or counterintelligence mission directly affecting the national security (e.g., a mission approaching the sensitivity of that of the Central Intelligence Agency) may use the polygraph for employment screening ⁽¹⁾ and personnel investigations of applicants for and appointees to competitive service positions only after complying with the procedures in D-2 below.

D-2. DETERMINING WHETHER AGENCY MISSION MEETS CRITERIA

OK! The executive agency must submit to the Chairman of the Civil Service Commission a statement of the nature of its mission. The Chairman shall then determine whether the agency has an intelligence or counterintelligence mission directly affecting the national security.

D-3. REVIEW OF AGENCY REGULATIONS AND DIRECTIVES

Directive must be reviewed by CSC a. The agency shall prepare regulations and directives governing use of the polygraph in employment screening and personnel investigations which must be reviewed by the Chairman of the Civil Service Commission. These shall contain as a minimum:

OK (1) Specific purposes for which the polygraph may be used, and details concerning the types of positions or organizational entities in which it will be used, and the officials authorized to approve these examinations.

(2) A directive that a person to be examined VB must be informed as far in advance as possible of the intent to use the polygraph and of—

- (a) Other devices or aids to the interrogation which may be used simultaneously with the polygraph, such as voice recordings. VB 5
- (b) His privilege against self-incrimination and his right to consult with legal counsel or to secure other professional assistance prior to the examination. VB 1, 2
- (c) The effect of the polygraph examination, or his refusal to take this examination, on his eligibility for employment. He shall be informed that refusal to consent to a polygraph examination will not be made a part of his personnel file. VB 1, 2, 6, + C
- (d) The characteristics and nature of the polygraph machine and examination, including an explanation of the physical operation of the machine, the procedures to be followed during the examination, and the disposition of information developed. VB 4
- (e) The general areas of all questions to be asked during an examination. VB 4
- (3) A directive that no polygraph examination will be given unless the person to be examined has voluntarily consented in writing to be examined after having been informed of the above, (a) through (e). VB 6
- (4) A directive that questions to be asked during a polygraph examination must have specific relevance to the subject of the particular inquiry. VB 4
- (5) Adequate standards for the selection and training of examiners, keeping in mind the Government's objective of insuring protection VIII

for the subject of an examination and the accuracy of polygraph results.

VII B (6) A provision for adequate monitoring of polygraph operations by a high-level official to prevent abuses or unwarranted invasions of privacy.

VII D (7) A provision for adequate safeguarding of files, charts, and other relevant data developed through polygraph examinations to avoid unwarranted invasions of privacy.

D-1. RESTRICTION ON APPROVAL TO USE THE POLYGRAPH

Approval to use the polygraph will be granted only for 1-year periods. An agency given approval to use the polygraph for competitive service positions will be required to recertify annually that the conditions which led to the original certification still exist in the agency. ✓

ADMINISTRATIVE INTERNAL USE ONLY

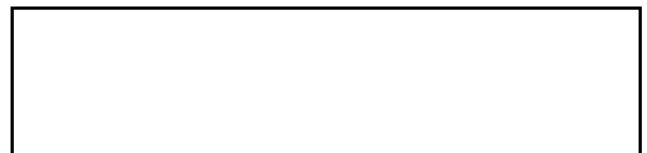
21 FEB 1973

MEMORANDUM FOR: Deputy General Counsel

SUBJECT : Polygraphing of Individuals Assigned or
Detailed to the Agency

This Office has reviewed the attached, proposed draft letter to Mr. David O. Cooke, Deputy Assistant Secretary of Defense (Administration), concerning polygraphing of individuals assigned to or detailed to this Agency. This Office concurs with the wording of the letter, and wishes to thank you for your assistance in this matter.

STATINTL



Howard J. Osborn
Director of Security

Att

ADMINISTRATIVE INTERNAL USE ONLY

DRAFT

OGC: ☐ mks

STATINTL

13 February 1973

MEMORANDUM FOR: Mr. David O. Cooke
Deputy Assistant Secretary of Defense
(Administration)

Doc:

I am returning the attachments in your memorandum of 12 February 1973. I have made several adjustments to your proposed letter to Mr. Hampton and to Joe Liebling's suggested additional paragraph for your letter.

1. I would add the following to your second paragraph:

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You will recall I mentioned that, in fact, there are other assignments and details other than from DIA and these should be appropriately covered.

2. In lieu of the last two sentences suggested by Joe Liebling, I would recommend the following:

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A careful reading of Appendix D of FPM 736 would indicate that it did not contemplate the situation at hand, namely assignment or detail of an individual from one agency of government who is in the competitive service to CIA which is statutorily exempted from the competitive service. Appendix D refers to use of the polygraph for "...employment screening and personnel investigations of applicants for and appointees to competitive service positions...." In the actual situation, of course, the individual would neither be denied employment nor removed from his position as a result of use of the polygraph if any problems were to develop and he would simply remain in the position he had been occupying and would not be assigned or detailed to the Agency. Consequently, while we are happy to discuss this situation with the Civil Service Commission and, of course, would brief them thoroughly on our procedures regarding the use of the polygraph, we do not wish to be placed in the position of submitting our regulations to them. I can assure you that our regulations in fact contain all of the safeguards and precautions required by Appendix D.

Please let me know if we can be of any further assistance.

[Redacted Signature]

Deputy General Counsel

STATINTL

Attachments

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301



COMPTROLLER

February 12, 1973

(Administration)

ATINTL

MEMORANDUM FOR



DEPUTY GENERAL COUNSEL,
CENTRAL INTELLIGENCE AGENCY

ATINTL



Attached is the proposed request for my signature to Bob Hampton on polygraphs.

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I would appreciate your suggestions and, of course, a return of the attachments.

A handwritten signature in cursive script, appearing to read "Doc".

D. O. Cooke
Deputy Assistant Secretary of Defense

Attachments

4 January 1973

MEMORANDUM

SUBJECT: Polygraph Examination of DoD Civilian
Employees and Military Personnel

The Director of DIA sent a memorandum, dated 21 December 1972, stating that effective immediately the prior agreement between McNamara and McCone relating to polygraphing DIA people in NPIC (both military and civilian) would be abrogated. He based this on a DoD directive which, in turn, was based on a Civil Service Commission directive prohibiting use of the polygraph for civilians in the competitive service. Upon receipt, discussions were held with DoD who agreed to request an exception to the Civil Service regulation insofar as it pertains to DoD personnel assigned to CIA. Admiral de Poix has been informed of this action and he agrees that his memorandum should be held in abeyance pending resolution.

STATINTL

Lawrence R. Houston

Prepared for DCI Briefing Book
✓ File: OGC Subject-Security-Not Indexed

CENTRAL INTELLIGENCE AGENCY

OFFICE OF THE DEPUTY DIRECTOR

12/26

Gen Walters,

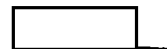
I have sent copies to:

DDS in D/Security

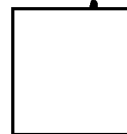
DDI in D/NFIC

Ex Dir

Gen Counsel



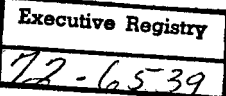
STATINTL



STATINTL



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301



21 DEC 1972

FOUO-78,867/DS-6C1

SUBJECT: Polygraph Examinations of DIA Employees Assigned to the
National Photographic Interpretation Center (NPIC)

TO: Director
Central Intelligence Agency
Washington, DC 20505

1. Effective this date, I am compelled to withdraw a previous commitment to your agency which provided blanket authorization to conduct polygraph examinations of DIA personnel assigned to the NPIC (Building #213).
2. Cancellation of this agreement, entered into verbally in 1964 by Mr. McNamara, then Secretary of Defense and Mr. McCone, then Director, Central Intelligence, is predicated on a recent Department of Defense directive relating to polygraph examination of civilian employees. One of the provisions therein directs that no DoD department or agency shall allow another U.S. Government agency to polygraph its employees as a screening or selection device or as a condition for employment.
3. The directive does not exclude DoD elements from conducting consensual polygraph examinations as authorized on a case-by-case basis in a specific counterintelligence or criminal matter. Consequently, should any such case arise relating to any of our personnel assigned to your area at the NPIC, I may authorize the use of the polygraph if deemed appropriate and if the individual concerned agrees.
4. Although the DoD directive addresses itself to the polygraphing of civilian employees and applicants, it is my interpretation that no use of double standards was intended and, therefore, I will exclude military personnel from polygraph examination as a condition for assignment to the NPIC.

A handwritten signature, "V. P. de POIX", is located below the list of points.

V. P. de POIX
Vice Admiral, USN
Director

OGC 73-0019

3 January 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Polygraph Examination of DoD Civilian Employees
and Military Personnel

1. On 3 January 1973, [redacted] Chief,
Personnel Security Division, and [redacted] Deputy
General Counsel, met at the Department of Defense with the
following people:

STATINTL
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David O. Cooke, Deputy Assistant Secretary (Administration)
Joseph J. Liebling, Deputy Assistant Secretary (Security Policy)
Charles M. Trammell, Jr., Security Plans and Programs Division

The purpose of the meeting was to discuss the memorandum issued by Mr. Cooke on 30 October 1972. That memorandum in effect stated that no civilian employees or applicants for employment by any part of the Department of Defense would be subjected to a polygraph whether by DoD or any other agency of government. Subsequently, the Director of the Defense Intelligence Agency (DIA) issued a memorandum of 21 December 1972 stating that in view of the Cooke directive not only would no civilian DoD employee assigned to NPIC be polygraphed but no military would be polygraphed.

2. Mr. Cooke and his associates were apparently well aware of the history of the polygraph issue with regard to DoD personnel assigned to NPIC. When queried as to why the 30 October 1972 directive by its terms did not apply to NSA, they pointed out that the Civil Service Commission had issued a regulation which prohibited the use of polygraph for employees of the competitive service and since NSA was exempt by law they were accordingly exempted from the 30 October directive.

STATINTL

3. Mr. Cooke volunteered that he had not coordinated his 30 October 1972 directive in any way with the Agency. [redacted] pointed out that the practical and security considerations applicable to the exemption for NSA indeed certainly apply to CIA and, in fact, in some ways more so. We made it clear that we were not merely talking about the mix of civilian and military assigned to NPIC, but we were also talking about details to other parts of the Agency. We also made it clear we were not talking about the smaller DIA and Army units in NPIC as distinguished from DC-2 personnel. They inquired if there were civilians assigned or detailed to the Agency other than in the NPIC complex and we indicated that even if there were none currently there were plans to do so.

4. After considerable discussion, Mr. Cooke volunteered that DoD would apply to the Civil Service Commission for an exception for those civilian employees of DoD who were assigned to intelligence activities of the CIA. There is provision in the Civil Service regulation for exceptions to the ban on polygraph for employees involved in intelligence activities. Mr. Cooke directed Mr. Trammell to prepare an appropriate draft requesting this exception and said this would be coordinated with the Agency prior to signature. They indicated their wish and desire that we support this request for exception in an appropriate way.

5. As to the DIA memorandum of 21 December 1972, Mr. Cooke suggested that we merely inform the Director of DIA that there were steps being taken to get an exception from the Commission for civilian employees. It was recognized also that DIA on its own included the ban on use of the polygraph to be applicable to the military. Mr. Cooke suggested that on the basis of the steps being taken, we could persuade DIA to hold its request in abeyance. STATINTL

[redacted]
Deputy General Counsel

cc: Executive Director-Comptroller

DDS

D/Security

D/Personnel

OGC [redacted]:mks

✓ OGC Subj - SECURITY

OGC Chrono

ATINTL



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

Executive Registry
72-1539

21 DEC 1972

FOUO-78,867/DS-6C1

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3. The directive does not exclude DoD elements from conducting consensual polygraph examinations as authorized on a case-by-case basis in a specific counterintelligence or criminal matter. Consequently, should any such case arise relating to any of our personnel assigned to your area at the NPIC, I may authorize the use of the polygraph if deemed appropriate and if the individual concerned agrees.
4. Although the DoD directive addresses itself to the polygraphing of civilian employees and applicants, it is my interpretation that no use of double standards was intended and, therefore, I will exclude military personnel from polygraph examination as a condition for assignment to the NPIC.

V. P. de POIX
Vice Admiral, USN
Director

WASHINGTON, D. C. 20301

30 OCT 1972

COMMONS

(Administration)

MEMORANDUM FOR Secretaries of the Military Departments
Chairman of the Joint Chiefs of Staff
Director of Defense Research and Engineering
Assistant Secretaries of Defense
General Counsel
Assistants to the Secretary of Defense
Directors of Defense Agencies

SUBJECT: Polygraph Examinations of Civilian Employees and
Applicants for Employment

Effective this date, the use of the polygraph by any Department of Defense Component is not authorized for civilian applicants for employment or civilian employees, in any employment category, as a screening or selection device or as a condition of employment. In addition, the use of the polygraph is not authorized as a routine part of personnel security investigations of such persons.

No department or agency shall allow the use of the polygraph for its civilian employees or applicants for employment by another department or agency of the Department of Defense or of another U.S. Government agency for a purpose inconsistent with these restrictions. These restrictions do not apply to the National Security Agency.

Consensual polygraph examinations may be authorized on a case-by-case basis in a specific counterintelligence or criminal case, as presently provided for in DoD Directive 5210.48, "The Conduct of Polygraph Examinations and the Selection, Training and Supervision of DoD Polygraph Examiners," dated July 13, 1965, and for aliens in accordance with the provisions of paragraphs IX, B. and C., DoD Directive 5210.8, "Policy on Investigation and Clearance of DoD Personnel for access to Classified Defense Information," dated February 15, 1962.

The provisions of this memorandum are to be incorporated in a forthcoming revision of DoD Directive 5210.48.

D.O. Cooke

D.O. Cooke

Deputy Assistant Secretary of Defense

Appendix D. Use of the Polygraph in Personnel Investigations of Competitive Service Applicants and Appointees to Competitive Service Positions

D-1. AGENCIES WHICH MAY USE THE POLYGRAPH

a. An executive agency which has a highly sensitive intelligence or counterintelligence mission directly affecting the national security (e.g., a mission approaching the sensitivity of that of the Central Intelligence Agency) may use the polygraph for employment screening and personnel investigations of applicants for and appointees to competitive service positions only after complying with the procedures in D-2 below.

→b. All other uses of a polygraph to screen applicants for and appointees to competitive positions are forbidden regardless of whether the polygraph examination is administered by the agency concerned or was obtained by that agency from another source such as an examination given previously by another Federal agency or by a non-Federal agency.←

D-2. DETERMINING WHETHER AGENCY MISSION MEETS CRITERIA

The executive agency must submit to the Chairman of the Civil Service Commission a statement of the nature of its mission. The Chairman shall then determine whether the agency has an intelligence or counterintelligence mission directly affecting the national security.

D-3. REVIEW OF AGENCY REGULATIONS AND DIRECTIVES

a. The agency shall prepare regulations and directives governing use of the polygraph in employment screening and personnel investigations which must be reviewed by the Chairman of the Civil Service Commission. These shall contain at a minimum:

(1) Specific purposes for which the polygraph may be used, and details concerning the types of positions or organizational entities in which it will be used, and the officials authorized to approve these examinations.

(2) A directive that a person to be examined must be informed as far in advance as possible of the intent to use the polygraph and of—

(a) Other devices or aids to the interrogation which may be used simultaneously with the polygraph, such as voice recordings.

(b) His privilege against self-incrimination and his right to consult with legal counsel or to secure other professional assistance prior to the examination.

(c) The effect of the polygraph examination, or his refusal to take this examination, on his eligibility for employment. He shall be informed that refusal to consent to a polygraph examination will not be made a part of his personnel file.

(d) The characteristics and nature of the polygraph machine and examination, including an explanation of the physical operation of the machine, the procedures to be followed during the examination, and the disposition of information developed.

(e) The general areas of all questions to be asked during an examination.

(3) A directive that no polygraph examination will be given unless the person to be examined has voluntarily consented in writing to be examined after having been informed of the above, (a) through (e).

(4) A directive that questions to be asked during a polygraph examination must have specific relevance to the subject of the particular inquiry.

(5) Adequate standards for the selection and training of examiners, keeping in mind the Government's objective of insuring protection for the subject of an examination and the accuracy of polygraph results.

(6) A provision for adequate monitoring of polygraph operations by a high-level official to prevent abuses or unwarranted invasions of privacy.

(7) A provision for adequate safeguarding of files, charts, and other relevant data developed

through polygraph examinations to avoid unwarranted invasions of privacy.

D-4. RESTRICTION ON APPROVAL TO USE THE POLYGRAPH

Approval to use the polygraph will be granted only for 1-year periods. An agency given approval to use the polygraph for competitive service positions will be required to recertify annually that the conditions which led to the original certification still exist in the agency.

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Approved For Release 2002/10/21 : CIA-RDP75-00793R000200160006-5

10 May 1973

MEMORANDUM FOR: Director of Security

SUBJECT: Use of Polygraph for DoD Personnel
Assigned to the Agency

1. You will recall that on 21 December 1972 the Director of DIA forwarded a memorandum to the Director of Central Intelligence stating he was withdrawing the commitment to the Agency providing blanket authorization to conduct polygraph examination of DIA personnel assigned to NPIC. He gave his reasons including a new DoD Directive which in turn was based on the Civil Service Commission regulation.

2. The undersigned was in touch with Mr. David O. Cooke, Deputy Assistant Secretary of Defense (Administration), who had issued the DoD Directive and as a result of a meeting with him early this year he agreed with our view that the Civil Service Commission could grant exceptions and that exceptions seemed warranted in the case of all DoD people assigned or detailed to CIA. Mr. Cooke undertook to secure such an exemption and on 8 May 1973 I received from Mr. Cooke a copy of the Civil Service Commission document granting the exemption dated 17 April 1973, copy attached.

3. Under the procedures existing at the time, Mr. Tweedy in early January contacted Admiral de Poix asking that his position in his memorandum to the Director of Central Intelligence be held in abeyance while we worked with DoD in securing the Civil Service Commission exception. At this time I am not sure exactly what the channel is from the Agency to de Poix but presumably the appropriate official of the Agency should close the circuit in this case by advising DIA of the new

Civil Service Commission exemption. Also for consideration is the fact that the Civil Service Commission exemption is granted DoD only for the period of one year from the date of their letter and terminates automatically unless a request for further approval is made in writing. At this stage these two matters do not seem to be legal matters and it may be that Security can handle them or possibly communication should be from the Deputy Director for Management and Services. It is also possible that Executive Secretary, CIA Management Committee would wish to handle the matter. In any event, copies of the 21 December 1972 memorandum to the Director of Central Intelligence were sent by [redacted] STATINTL for General Walters to DDS for Director of Security, DDI for Director, NPIC, Executive Director, and General Counsel. Copies STATINTL of this memorandum will be sent to the DDM&S, DDI and Executive Secretary, CIA Management Committee [redacted]

Deputy General Counsel

Attachment

cc: ES, CIA Mgt Com
DDI
DDM&S
✓OGC Subject - SECURITY
OGC Chrono

OGC: [redacted] mks

ATINTL

OFFICE OF THE SECRETARY OF DEFENSE

May 2, 1973

LATINTL

Memo For_

Deputy General Counsel
Central Intelligence Agency

ATINTL

As we discussed, here for your records is the attached reply from the Civil Service Commission with respect to polygraph exceptions.

Do

D. O. Cooke

Attachment

of 73 0805-

Approved For Release 2002/10/21 : CIA-RDP75-00793R000200160006-5

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

APR 17 1973

IN REPLY PLEASE REFER TO

YOUR REFERENCE

Mr. D. O. Cooke
Deputy Assistant Secretary of Defense
Office of the Assistant Secretary
of Defense
Washington, D. C. 20301

Dear Mr. Cooke:

This is in response to your letter of March 14, 1973, requesting that the Secretary of Defense be granted authority to use polygraph examinations for certain categories of competitive service employees who will be assigned to work in intelligence or counter-intelligence activities directly affecting the national security.

In accordance with the provisions of Appendix D, Chapter 736, Federal Personnel Manual, the Secretary of Defense is hereby granted authority to use polygraph examinations for competitive service employees in the following categories:

Approximately ten Defense Intelligence Agency competitive career employees who will work in a joint Central Intelligence Agency - Defense Intelligence Agency intelligence production.

Those competitive career employees of the Defense agencies who are to be assigned for training in the Department-wide Intelligence Training and Career Development Program with the Defense Intelligence Agency and the National Security Agency.

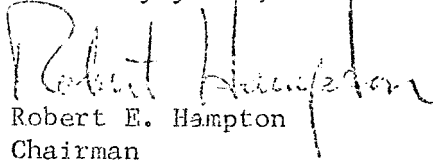
Those competitive career employees assigned to ad hoc study groups and task forces involving highly sensitive intelligence projects where they will work with excepted service employees who are subject to polygraph examinations.

Those competitive career employees assigned or detailed to the Central Intelligence Agency in activities where polygraph examination is required by the Central Intelligence Agency.

This authority is extended to the Secretary of Defense with the restriction that he or his designee will consider the circumstances of each individual case with due regard for the rights of the specific employee and that he or his designee will permit the polygraph examination for employment screening and personnel investigations of competitive service employees only after he has verified that the agency conducting the examination will follow the procedures for administering the polygraph as set forth in Appendix D-3, Chapter 736 of the Federal Personnel Manual.

This approval is granted for a period of one year from the date of this letter, and will terminate automatically unless, prior to that time, a request for further approval is made in writing recertifying the intelligence or counter-intelligence mission directly affecting the national security, and that those competitive career employees subject to polygraph examination will be involved in such intelligence or counter-intelligence activities.

Sincerely yours,


Robert E. Hampton
Chairman


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MEMORANDUM FOR: Record

SUBJECT :



STATINTL

1. Subject was in the Office of Security for an Exit Interview and was brought to me Thursday afternoon, 7 June 1973, upon his refusal to sign a Termination Secrecy Agreement.
2. In response to my questions, he advised that in his judgment there was no necessity for signing a new Agreement as the original was all that was needed. In particular, he objected to Paragraph 7 stating this was an attempt to impose a new obligation! He also said that Paragraph 9 was equally distasteful, because of its reference to Section 1001 of Title 18, United States Code.
3. Subject advised that in his view the attempt to make the document stronger was ridiculous, because from a legal view if it did anything it weakened the original obligation.
4. Subject was asked if he wished to discuss the question with a representative of the Office of General Counsel. He stated "No", as there was no time. He stated he had to catch the next departure of the limosine/bus service to make the plane going back to  STATINTL. He was advised that his comments would be noted and a representative of the Office of General Counsel might wish to discuss it further with him.
5. Subject was then briefed on his responsibility for non-disclosure of classified matters. Paragraph 3 of the Termination Secrecy Agreement was read to him. It reads as follows:

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"I will never divulge, publish, or reveal by writing, word, conduct, or otherwise any information concerning intelligence or CIA that has not been made public by CIA, to any unauthorized person including, but not limited to, any future governmental or private employer or official without the express written consent of the Director of Central Intelligence or his representative."

Subject listened to this with some degree of impatience. Subject was asked if he had any classified materials in his possession and he advised he had none.

6. Subject closed the interview by stating he was aware of his obligations under the original Secrecy Agreement and he would abide by these. He stated that he would not sign another document.

7. The substance of the above interview was conveyed to Mr. [] Acting Chief, Personnel Security Division, and at his request, Mr. [], Office of General Counsel was notified. It was indicated to the latter a copy of this memorandum for record would be forwarded for his information.

STATINTL

[]
Acting Chief
Employee Activity Branch

STATINTL

Distribution:

Orig. & 1 - File

1 - [] CGC

1 - AC/EAB

2 - EAB copies

OS:PSD:EAB [] (12 June 1973)

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Approved For Release 2002/10/21 : CIA-RDP75-00793R000200160006-5

OGC Subject - SECURITY

STATINTL

22 June 1973

MEMORANDUM FOR: Deputy Director for Management and Services
FROM : Director of Security
SUBJECT : Polygraph Examination of DIA Employees
Assigned to the National Photographic
Interpretation Center

1. Action Requested: This memorandum contains a recommendation for your approval.
2. Basic Data: A verbal agreement entered into in 1964 by Mr. Robert S. McNamara, then Secretary of Defense, and Mr. John A. McCone, then Director of Central Intelligence, allowed this Agency to polygraph Defense Intelligence Agency personnel assigned to the National Photographic Interpretation Center. Vice Admiral V. P. de Poix, Director, Defense Intelligence Agency, by memorandum dated 21 December 1972, withdrew this verbal authority, and it was necessary for this Agency to apply for an exception to the Civil Service Commission through the Department of Defense under Appendix D, Chapter 736, Federal Personnel Manual. This exemption was granted the Department of Defense by the Civil Service Commission on 17 April 1973 for a one-year period.
3. Recommendation: In view of the authority that has been granted by the Civil Service Commission, it is recommended that the attached memorandum be forwarded to the Director of Security, Defense Intelligence Agency.

/s/

Howard J. Osborn
Director of Security

Att

SUBJECT: Polygraph Examination of DIA Employees Assigned to
the National Photographic Interpretation Center

APPROVED : /s/ Harold L. Brownman 21 JUN 1973

DISAPPROVED: _____

Distribution:

Original - Return to Director of Security

2 - DD/Management and Services Classified

22 JUN 1973

MEMORANDUM FOR:

Director of Security
Defense Intelligence Agency

STATINTL

SUBJECT : Polygraph Examinations of DIA Employees
Assigned to the National Photographic
Interpretation Center

REFERENCE : FOUO-73,867/DS-6C1, dtd 21 Dec. 1972

1. The reference withdrew a previous verbal commitment to this Agency which provided blanket authorization to conduct polygraph examinations of Defense Intelligence Agency personnel assigned to the National Photographic Interpretation Center.

2. A representative of this Agency was in contact with Vice Admiral V. P. de Poix, Director of the Defense Intelligence Agency, in early January 1973. It was requested at that time that your directive be held in abeyance while we worked with the Department of Defense in securing a Civil Service Commission exception to polygraphing Defense Intelligence Agency personnel assigned to the National Photographic Interpretation Center.

3. Subsequently, Mr. David O. Cooke, Deputy Assistant Secretary of Defense (Administration), requested a Civil Service Commission exception. On 8 May 1973, Mr. Cooke furnished a copy of the Civil Service Commission document granting the exemption on 17 April 1973.

4. For your information, the Civil Service Commission exemption was granted for the period of one year from the date of the Civil Service Commission letter.

5. The Central Intelligence Agency will proceed based upon this authority.

6. Your efforts and understanding in this matter are appreciated.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:



STATINTL

Howard J. Osborn
Director of Security

ORIGINATOR:

Howard J. Osborn
Director of Security

(Date)

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

SECURITY

FROM:

AC/EAB
3E49

EXTENSION

NO. (not indexed)

DATE

13 June 1973

STATINTL

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

STATINTL

1.

ADC/PSD

2.

AC/PSD

6/13/73

3.

7D06

OGC

For your information.

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No action necessary.
This man is aware of his obligations and has promised to abide by them. I think he has been involuntarily retired; I don't think it's wise to "push" someone like this too hard. Let's hold this until the end of the year and dispose - we need for this to be permanently retired by us.

STATINTL

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED	CONFIDENTIAL SECRET		
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	Executive Director-Comptroller	1/5/73	
2	OGC		
3			
4			
5			
6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks: <p>From the attached it will be seen that we appeared to get a good reception on this problem. [] and I have both talked to Bronson Tweedy with a view that he would telephone Admiral de Poix suggesting that his memorandum be held in abeyance pending the outcome of the over-all problem. Also, I would think that strong representations should be made with Civil Service Commission in support of DoD's request for exception. I will work directly with D/Personnel on this.</p>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
OGC 7 D 01 Hqs []			1/4/73
UNCLASSIFIED		CONFIDENTIAL	SECRET

FORM NO. 1-67 237 Use previous editions

(40)

STATINTL

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SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
<input type="checkbox"/>	UNCLASSIFIED	<input type="checkbox"/>	CONFIDENTIAL
<input type="checkbox"/>		<input type="checkbox"/>	SECRET
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	Director of Security		
2			
3	cy for Info only to D/Pers		
4			
5			
6			
<input type="checkbox"/>	ACTION	<input type="checkbox"/>	DIRECT REPLY
<input type="checkbox"/>	APPROVAL	<input type="checkbox"/>	PREPARE REPLY
<input type="checkbox"/>	DISPATCH	<input type="checkbox"/>	RECOMMENDATION
<input type="checkbox"/>	COMMENT	<input type="checkbox"/>	FILE
<input type="checkbox"/>	CONCURRENCE	<input type="checkbox"/>	RETURN
<input type="checkbox"/>		<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>		<input type="checkbox"/>	SIGNATURE
Remarks: <p>As you can see from the attachments, DoD has asked for our assistance in preparing their letter to the Civil Service Commission regarding the use of the polygraph for certain DoD employees. I have made several suggestions and changes in Mr. Cooke's letter and I believe they are self-explanatory. I would like your concurrence before I send the package over to Mr. Cooke.</p> <div style="border: 1px solid black; width: 150px; height: 20px; margin-left: auto;"></div>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
Deputy General Counsel 7 D 01 Hqs			2/14/73
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<input type="checkbox"/>		<input type="checkbox"/>	SECRET

FORM NO. 1-67

237

Use previous editions

(40)

STATINTL

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Polygraphing of Individuals Assigned or Detailed to the Agency

FROM: Director of Security Room 4-E-60	EXTENSION <div style="border: 1px solid black; width: 40px; height: 30px; margin: 0 auto;"></div>	NO. DATE <div style="text-align: right; font-weight: bold; font-size: 1.2em;">STATINTL</div>
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TO: (Officer designation, room number, and building)	DATE	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
RECEIVED	FORWARDED		

1. Deputy General Counsel Room 7-D-01			
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